APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,215	03/26/2004	Jean-Michel Collomb	200209005-2	1936

7590   12/27/2007

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EXAMINER
LEE, CHI HO A

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)	
Office Action Summary		10/811,215	COLLOMB ET AL.	
		Examiner	Art Unit	
		Andrew Lee	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 October 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>29</u> is/are allowed.

6)☒ Claim(s) <u>1,2 and 5-28</u> is/are rejected.

7)☒ Claim(s) <u>3 and 4</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action: ·

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 2, 5-28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hamiti et al PG-PUB 2004/0047437 A1 in view of Honeisen PG-PUB

2003/0115332.

Re Claims 1, 12, 17, 21, 26, 27, 28, Hamiti teaches in fig. 1, a UE caller (first

end-user) establishing a SIP session (a signaling plane...SIP) to the UE Callee (a

second end-user); further teaches that the communication system supports RTCP to

monitor QoS and gives information about the end-users of the session [0088]; fig. 9

teaches the header that include the QoS information [0080] to be shared by the

network. Hamiti fails to explicitly teach that the QoS information is transmitted within the ·

header of the SIP message. However, Honeisen teaches header field of the SIP

message are used to indicate QoS limitations [0115]. One skilled in the art would have

been motivated by Honeisen to modify the header of Hamiti to include QoS information

of the SIP header to support different operational mode of the UE codec. Therefore, it

would have been obvious to one ordinary skilled to combine the references

Re Claims 2, 5-9, refer to Claim 1, wherein fig. 9 includes plurality of parameters

(signaling parameter & media transmission quality parameter).

Re Claims 10, 11, See UE device.

Re Claims 13, 22, refer to Claim 13, wherein the network includes a Server.

Re Claims 14, 15, 18, 19, 23, 25, , refer to Claim 13, wherein SIP message is a

set-up message.

Re Claims 16, 20, 25 refer to Claim 13, wherein the UE includes a display to

display and GUI function for messages (QoS parameter).

Allowable Subject Matter

3.   Claim 29 is allowed.

4.   Claims 3 and 4 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject

matter:

In combination with Claims 1-3, prior art fails to teach the claimed signaling

parameter.

Response to Arguments

5.   Applicant's arguments with respect to claims 1, 2, 5-28 have been considered but

are moot in view of the new ground(s) of rejection.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew Lee whose telephone number is 571-272-3130.

The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Firman Backer can be reached on 571-272-6703. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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ANDREW C. LEE
PRIMARY PATENT EXAMINER